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DISTRICT COURT OF GUAM
TERRITORY OF GUAM

FELIPE DATUIN, JEFF GUMATAOTAO,
and JAMES CRUZ,

Plaintiffs,

vs.

LSG LUFTHANSA SERVICE HOLDING
AG, *et al.*,

Defendants.

Civil Case No. 04-00010

ORDER

The Court is in receipt of Defendants' Motion for an Order Granting Dismissal Pursuant to Federal Rule of Civil Procedure 12(b) and Civil Rules 7.1(d)(2)(A) and 7.1(f) of the Local Rules of Practice for the District Court of Guam, filed June 9, 2004. Defendants base this motion on Plaintiffs' failure to comply with Local Rule LR 7.1(d)(2)(A)¹ by timely filing an opposition to Defendants' motion to dismiss, which Defendants contend should be deemed a consent to dismissal pursuant to Local Rule LR 7.1(f)².

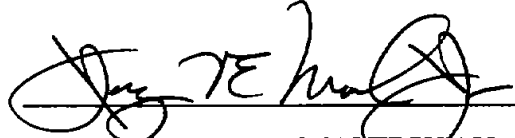
However, on June 23, 2004, this Court granted Plaintiffs' motion for leave of Court to

¹ Local Rule LR 7.1(d)(2)(A) requires that, "[i]f a motion is not set for oral argument, the opposing party shall have fourteen (14) days from the date of the filing of the Motion to serve and file an Opposition."

² Local Rule LR 7.1(f) states that "[p]apers not timely filed by a party including any memoranda or other papers required to be filed under this Rule will not be considered and such tardiness *may* be deemed by the Court as consent to the granting or denial of the motion, as the case may be." (Emphasis added.)

1 file an opposition and, thus, accepted the June 17, 2004, filing of Plaintiffs' Opposition to
2 Motion to Dismiss. Therefore, the Court has excused Plaintiffs' untimely filing of the
3 opposition and non-compliance with Local Rule LR 7.1(d)(2)(A). Accordingly, Defendants'
4 Motion for an Order Granting Dismissal is hereby DENIED.

5 IT IS SO ORDERED this 25~~7~~ day of August, 2004.

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8 JOAQUIN V.E. MANIBUSAN, JR.
9 U.S. Magistrate Judge
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